

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW MEXICO

Clerk's Minutes  
Before the Honorable James O. Browning

CASE NO. No. CIV 95-0024 JB/KBM DATE: 10/3/2023

TITLE: *McClelland, et al. v. Albuquerque, City of, et al.*

COURTROOM CLERK: L. Rotonda COURT REPORTER: J. Bean

COURT IN SESSION: 1:30 PM TOTAL TIME: 1:16

TYPE OF PROCEEDING: MOTION HEARING

COURT RULING/DISPOSITION:

1. MOTION FOR ORDER TO SHOW CAUSE WHY COUNTY DEFENDANT SHOULD NOT PAY MONETARY PENALTIES FOR REFUSING TO PROVIDE MEDICAL RECORDS [1635](#) – see below.

ATTORNEYS PRESENT FOR PLAINTIFF(S): ATTORNEYS PRESENT FOR DEFENDANT(S):

Alexandra Smith	Taylor Rahn
Doreen McKnight	Daniel Macke
Nicholas Davis	
Katherine Loewe	
Kelly Waterfall	
Debra Moulton	

PROCEEDINGS:

**COURT IN SESSION: 1:30 PM**

**COURT:** CALLS CASE, COUNSEL ENTER APPEARANCES.

**Ms. SMITH:** ARGUES IN SUPPORT OF MOTION FOR ORDER TO SHOW CAUSE WHY COUNTY DEFENDANT SHOULD NOT PAY MONETARY PENALTIES FOR REFUSING TO PROVIDE MEDICAL RECORDS (DOC. [1635](#)).

**COURT:** QUERIES Ms. SMITH REGARDING OPERATIVE DOCUMENTS, HISTORY OF SUIT.

**Ms. SMITH:** RESPONDS TO COURT'S QUERIES.

**COURT:** QUERIES Ms. SMITH REGARDING COURT'S ABILITY TO UPHOLD AGREEMENT THAT DOES NOT COMPORT WITH FEDERAL LAW.

**Ms. SMITH:** RESPONDS TO COURT'S QUERIES, RESUMES ARGUMENT.

**Ms. LOEWE:** ADDRESSES COURT REGARDING MOTION.

**Ms. RAHN:** ARGUES IN OPPOSITION OF MOTION.

**COURT:** QUERIES Ms. RAHN.

**Ms. RAHN:** RESPONDS TO COURT'S QUERIES.

**Ms. SMITH:** ARGUES IN REBUTTAL AS TO MOTION.

**Ms. LOEWE:** ARGUES IN REBUTTAL AS TO MOTION.

**COURT:** INDICATES DOES THINK THAT THERE IS PATH TO FINDING COUNTY IN CONTEMPT. WILL ISSUE SHOW CAUSE ORDER, QUERIES COUNSEL REGARDING WHEN THEY WISH TO HAVE SHOW CAUSE HEARING, COUNSEL RESPOND TO SAME.

WILL SET SHOW CAUSE HEARING FOR OCTOBER 12, 2023 AT 8:30 AM.

**COURT IN RECESS: 2:46 PM**